

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
Columbia Division**

Matthew Alexander Nielson; J.Z., a Minor ) CA No. 3:12-cv-01427-CMC  
Under age 18 by his Parent & Guardian )  
Michelle Stephens; D.M., a Minor Under )  
age 18 by her Parent & Guardian Victoria )  
Reed; and the Freedom From Religion )  
Foundation, Inc., )  
*Plaintiffs,* )  
~ vs. ~ )  
School District Five of Lexington & )  
Richland Counties, )  
*Defendant.* )

**TO THE DEFENDANT ABOVE NAMED, TAKE NOTICE:** That the Plaintiffs now move the Court for summary judgment under Rule 56, Fed. R. Civ. P., and other applicable law, on grounds that there are no material disputes of fact in this case, and that they are entitled to judgment as a matter of law. Plaintiffs so move the Court for judgment in their favor on grounds that the District Board's opening prayers violate the Establishment Clause of the First Amendment, The equal Protection Clause of the Fourteenth Amendment, and that legislative prayer exception set forth in *Marsh v. Chambers* is inapplicable to school board prayers.

FOR THE PLAINTIFFS  
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Lexington, South Carolina  
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